

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WOODROW FLEMMING,

Petitioner,

v.

06-CV-26

GLENN GOORD, Commissioner of NYS Department of Corrections; DONALD SELSKY, Director of Special Housing for DOC Inmates; MICHAEL MAHER, Deputy Acting Supervisor; NORMAN BEZIO, Captain; DONALD G. UHLER, Captain; ANTHONY BOUCAUD, Deputy Superintendent for Administration; MITCHELL, Security Lt. in Charge; ADMIKS, Lut. for Hearing and Acting Captain; DONALD QUINN, Lut.; MARTIN, Lut. for Investigation; FLETCHER, Sgt. for Security at RMU Walsh; CARPENTER, Sgt. for Security at RMU Walsh; THOMAS J. KOUROFSKY, Sgt.; ALLAN, Sgt. for Security at RMU Walsh; GEORGE L. LAFRANCE, Sgt. with Grievance Office; BISHOP, Sgt. in 11 Block; JAMES SORELL, CO Security Officer; GUY R. FALCON, CO Security Officer; STEVEN K. WENTZEL, CO Security Officer; EDMUND BARR, Security Officer Co.; TERRY JAMES, CO Security Officer; BRIAN R. GRANFE, CO Security Officer; TERRY D. CHARLAND, CO Security Officer; DANNIE MALLONI, CO Security Officer at RMU Walsh; MRS. C.O. LOVETTE, Security Officer at RMU Walsh; ANTHONY DURRANTE, Security Officer of RMU Walsh; ANDY MEACHUM, Security Officer at RMU Walsh; JAMES BENNETT, CO Law Library Supervisor; GERALD CARON, Security Officer; KIRK CROSSETT, Security Officer; PATRICIA, Security Officer at RMU Walsh-Mohawk; DEANA BUFFHAM, Medical and Medication Nurse; GEORGE WATERSON, Medical and Medication Nurse; EVELYN WEISSMAN, Head Doctor in Charge; LEO PAYANT, Superintendent of RMU Walsh; DEPUTY ROSADRO, D.S.H. Head of RMU Walsh Medical; DR. SHARMA; DR. BURDICK; C.O. TERRY ASHLAW; and C.O. SZAJER,

Respondents.

THOMAS J. McAVOY
United States District Judge

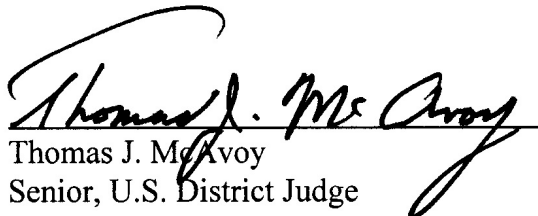
DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the August 23, 2007 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and GRANTS the motion to dismiss the Amended Complaint. Plaintiff is granted leave to file a Second Amended Complaint within thirty days of the date of this Order. **Any new pleading must comply with the terms of the Report-Recommendation. Failure to file a proper Complaint will result in dismissal of this case.** Defendants are granted leave to renew their motion to dismiss after Plaintiff has filed an amended pleading.

IT IS SO ORDERED.

Dated: September 13, 2007


Thomas J. McAvoy
Senior, U.S. District Judge